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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/851.299 05/05/97 POLL

S P405-12-0001

PM21/0731

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EXAMINER

AVILA, S

ART UNIT

PAPER NUMBER

3612

DATE MAILED:

07/31/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/851,299

Applicant(s)

Poll

Examiner

Stephen Avila

Group Art Unit

3612



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 12-15 is/are allowed.

☒ Claim(s) 1-5, 8-11, and 16 is/are rejected.

☒ Claim(s) 6 and 7 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, and 8-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Weiss.

Weiss discloses an outboard motor support device for securing an outboard motor to a transom 14 of a boat including a tie down bracket (including 20, 24, 28) secured to the transom, a support 22 rotatably mounted with respect to the motor such that when the motor is in an up position the support can rotate about its mounting point to contact and support the motor, and a tie down strap 30 which passes behind the motor and is secured to the tie down bracket (at 28).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Driscoll.

Weiss does not clearly disclose a plate with tabs. Driscoll teaches a plate 58 with tabs 66. It would have been obvious to a person of ordinary skill in the art at the time the invention was

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made to form the bracket of Weiss with a mounting plate with tabs as taught by Driscoll for improved mounting to the transom.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss.

Weiss teaches a method for securing a motor to a transom of a boat with tilting, rotating a support, and securing a tie down strap. Not disclosed by Weiss is using the method with a kicker motor. It would have been an obvious choice of engineering design to a person of ordinary skill in the art at the time the invention was made to use the method of securing a motor as disclosed by Weiss with a kicker motor for improved motor support.

6. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 12-15 are allowed.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Huchinson shows a motor support. Kinsey et al shows a motor support. Stanley shows a motor attachment.

9. Direct telephone inquiries concerning this communication to **Stephen Avila, at telephone number (703) 308-2578.**

The fax number for Technology Center 3600 is (703) 305-7687.

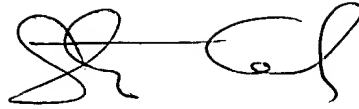
Inquiries of a general nature or relating to the status of this application should be directed to the Technology Center 3600 receptionist at (703) 308-1113.

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AVILA:sa
July 28, 1998

A handwritten signature in black ink, appearing to read 'SA', with a horizontal line extending from the middle of the letters.

Stephen Avila
Primary Examiner
Art Unit 3612

7/28/98